

1 HONORABLE RICHARD A. JONES  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

9 KHANH LE,  
10  
11 v.  
12 FIREMANS FUND INSURANCE  
13 COMPANY,  
14  
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Plaintiff,

CASE NO. C13-376RAJ

Defendant.

ORDER

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16 On April 5, 2013, the court ordered *pro se* plaintiff Khanh Le to show cause why  
17 his case should not be dismissed for lack of subject matter jurisdiction. Dkt. # 10 at 2.  
18 Plaintiff responded on April 12, 2013. Dkt. # 12. The only named defendant is Firemans  
19 Fund Insurance Company.

20 In his response, plaintiff explains that he was falsely arrested for violating a  
21 restraining order in Sacramento, and that he was not read his rights at the time of the  
22 arrest on August 30, 2011. He explains a conversation he had with his public defender.  
23 He also explains that he was told that he had to go to inpatient mental health treatment  
24 before he could have a hearing, and that he discovered false documents in the court file.  
25 He claims his civil rights have been violated pursuant to 42 U.S.C. § 1983.

26  
27 ORDER – 1  
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1       “Section 1983 provides a cause of action against any person who deprives an  
2 individual of federally guaranteed rights ‘under color’ of state law.” *Filarsky v. Delia*,  
3 132 S.Ct. 1657, 1661 (2012). Nothing in plaintiff’s complaint or his response alleges that  
4 the only named defendant is a state actor.

5       Accordingly, this court lacks subject matter jurisdiction. The clerk is ORDERED  
6 to dismiss this case without prejudice.

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8       DATED this 16<sup>th</sup> day of April, 2013.

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12       The Honorable Richard A. Jones  
13       United States District Judge